

Jeffrey D. Hill v. New Castle County, et al.

C. A. No. 07-228 (GMS)

Plaintiff's Answering Brief In Opposition Of Defendants' Motion For Summary Judgment

APPENDIX A

PART 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JEFFREY D. HILL,

Plaintiff,

v.

NEW CASTLE COUNTY, a municipal
corporation, SGT. ANDREA HYDEN, in
her individual capacity, CAPT. MARK
HITCH, in his individual capacity,
and CAPT. QUINTON WATSON, in his
individual capacity,

Defendants.

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) Civil Action No.
) 07-228 (GMS)

Deposition of JEFFREY D. HILL, taken
pursuant to notice at the offices of New Castle County
Government Center, 87 Reads Way, New Castle, Delaware,
beginning at 9:30 a.m. on Tuesday, December 18, 2007,
before Ann M. Calligan, Registered Merit Reporter and
Notary Public.

APPEARANCES:

JEFFREY K. MARTIN, Esquire
MARTIN & WILSON, P.A.
1508 Pennsylvania Avenue
Wilmington, Delaware 19806
on behalf of the Plaintiff,

MEGAN SANFRANCESCO, Esquire
NEW CASTLE COUNTY LAW DEPARTMENT
87 Reads Way
New Castle, Delaware 19720
on behalf of the Defendants.

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1 ALSO PRESENT:

2 SGT. NICOLE HYDEN

3 -----

4 JEFFREY D. HILL,

5 the witness herein, having first been

6 duly sworn on oath, was examined and

7 testified as follows:

8 EXAMINATION

9 BY MS. SANFRANCESCO:

10 Q. My name is Megan Sanfrancesco. I'm an attorney
11 for the New Castle County Law Department. I'm also
12 the attorney for Sergeant Hyden, Captains Hitch and
13 Watson. I'm going to be asking you some questions
14 relating to the law suit that you filed against them.

15 Have you ever had your deposition taken
16 before?

17 A. Yes.

18 Q. What type of circumstance?

19 A. Civil deposition, where somebody was injured.

20 Q. Were you the officer involved?

21 A. No. No.

22 Q. In what capacity were you deposed? Were you a
23 plaintiff or defendant?

24 A. A witness.



1 Q. Have you ever had your deposition taken any
2 other time?

3 A. Not that I recall.

4 Q. Just a few ground rules for the deposition
5 process you probably are already familiar with. We
6 need to have you verbalize your response for the court
7 reporter. She won't be able to take down a shake of
8 the head, things like that, gestures. So if I ask you
9 a question, try and verbalize your response.

10 If I ask you a question that you don't
11 understand, just tell me and I'll try and rephrase it
12 in a way that you can understand.

13 We will be able to take breaks. If you
14 need to use the facilities or get a drink of water,
15 just let us know and we can stop, accommodate that
16 request.

17 A. Okay.

18 Q. Do you have any questions for me before we
19 start?

20 A. No.

21 Q. Before you got sworn in, your attorney just
22 told me you had just come off midnight shift last
23 night.

24 A. No. Couple days ago.



1 Q. Oh. Couple days ago. What were your hours
2 yesterday?

3 A. I was off yesterday.

4 Q. You were off yesterday, and you started at what
5 time today?

6 A. 6:00 a.m.

7 Q. You're not taking any medications or anything
8 that would impair your ability to testify credibly and
9 truthfully today?

10 A. No.

11 Q. Did you review any documents to prepare for the
12 deposition today?

13 A. Yes.

14 Q. Can you tell me what those documents were?

15 A. The complaint itself that was filed and some of
16 the grievance papers that were involved in the
17 grievance process.

18 Q. What types of papers were those?

19 A. The grievance was all the stuff that was filed
20 from the FOP, from the union, and just paperwork that
21 was involved in that back and forth from the
22 government center to the union and the department.

23 Q. Any other documents?

24 A. Not that I can recall.



1 Q. Did you in any other way prepare for the
2 deposition today, any other review, any other things,
3 documents?

4 A. Yes.

5 Q. What was that?

6 A. I reviewed the case with the lawyer.

7 Q. You said that you had reviewed the complaint
8 that was filed in this matter. Did you also have a
9 chance to review the amended complaint?

10 A. No.

11 Q. I hand you a copy of the proposed amended
12 complaint in this matter. It actually states
13 "Complaint" as the caption which is just a typo. It's
14 an amended complaint that adds all of the information
15 that's been underlined. If you could take a minute to
16 look through this, I just want to confirm that you
17 have an understanding of what's contained in that
18 document?

19 MR. MARTIN: While we are off the record,
20 take whatever time you need, make sure you're familiar
21 with it.

22 (Discussion off the record.)

23 (Hill Deposition Exhibit 1 was marked for
24 identification.)



1 BY MS. SANFRANCESCO:

2 Q. Have you had a chance to review the amended
3 complaint?

4 A. Yes.

5 Q. That was the same amended complaint that's been
6 marked as Hill 1? Is that a yes?

7 A. I didn't see you hand this to her. I'm
8 assuming it is.

9 Q. And does the amended complaint accurately state
10 the facts and the events leading up to your transfer
11 from the mounted patrol unit and the events
12 surrounding your claims against all the defendants?

13 A. Yes.

14 Q. In the amended complaint you named Sergeant
15 Hyden and Captains Hitch and Watson as individual
16 defendants. Why were these defendants added to the
17 complaint?

18 MR. MARTIN: I'm going to object insofar
19 as it may constitute attorney/client privilege and
20 also suggest that the complaint speaks for itself in
21 terms of the cause of action against those
22 individuals.

23 Q. I'll clarify that I don't want you to answer
24 any conversations that you may have had with your



1 attorneys about that. I want you to answer the
2 question based on your own personal knowledge.

3 A. Can you repeat the question, please?

4 Q. The question is, in the amended complaint
5 Sergeant Andrea Hyden, Captain Mark Hitch and Captain
6 Quinton Watson were added as individual defendants.
7 What is your understanding of why they were added as
8 individual defendants?

9 A. Due to the fact they were directly involved in
10 what transpired.

11 Q. And what transpired meaning what?

12 A. The actions taken against me that were listed
13 in the complaint here.

14 Q. Do you know what it means to sue a defendant in
15 their individual capacity as opposed to their official
16 capacity?

17 MR. MARTIN: I'm going to direct him not
18 to answer based upon anything he's discussed with
19 counsel, but if he has knowledge before or after that,
20 that's fine.

21 Q. Again, clarify the question. I don't want you
22 to answer anything that you have discussed with your
23 counsel. I'm asking you based on your independent
24 knowledge.



1 Do you know what it means to sue someone
2 individually as opposed to in their official capacity?

3 A. Legally term? Legally term, no, I do not.

4 Q. Do you have any understanding whatsoever?

5 A. I would say individually it would be the
6 person. What was the other term you used?

7 Q. Officially.

8 A. Officially would be their work capacity.

9 Q. You're aware that these defendants are sued in
10 their individual capacities?

11 A. Yes.

12 Q. What is your claim against each of these
13 defendants? And let's start with Captain Hitch.
14 What's your claim against Captain Hitch?

15 A. Claim against Captain Hitch is his retaliation
16 actions after everything that transpired between our
17 meetings and our discussions related to my complaint
18 against Sergeant Hyden.

19 Q. What do you mean by retaliation actions?

20 A. The fact that what he verbalized to me at the
21 conclusion of our meetings and what transpired
22 approximately a month and a half later were
23 retaliatory actions.

24 Q. You're saying Captain Hitch retaliated against



1 you?

2 A. Yes. He's one of the individuals that did,
3 yes.

4 Q. Exactly what did he do or verbalize to you that
5 you consider retaliation?

6 A. I said he -- after our meetings -- we verbally
7 had meetings --

8 Q. Right.

9 A. -- related to this case. His actions taken
10 after those meetings are the retaliation factors.

11 Q. What were his actions that you consider to be
12 retaliatory?

13 A. He transferred me out of the mounted unit.

14 Q. And why do you consider that to be a
15 retaliatory action?

16 A. Well, the conversation we had prior to that was
17 that, after a meeting with myself, him, and Sergeant
18 Hyden, we were on a clean slate, so he called it, and
19 that everybody should go back and try to get along.
20 After that date, I didn't have any confrontations with
21 Sergeant Hyden and, to my knowledge, had no problems
22 in my capacity in the mounted unit after that date. I
23 was abruptly called into his -- him and Captain
24 Watson's office and explained to me I was being



1 transferred.

2 Q. Is it your opinion that Captain Hitch and
3 Captain Watson requested your transfer out of the
4 mounted unit?

5 A. I would say they were in the chain that did so,
6 yes.

7 Q. What is your understanding of retaliation?

8 MR. MARTIN: Again, caution him not to
9 express anything he may have discussed with counsel.

10 Q. We'll state a standing -- I don't know what you
11 want to call it -- understanding on the record. Any
12 question I ask you, I don't expect you to discuss with
13 me any conversations that you had with your counsel.
14 Of course, your counsel will remind you of that
15 whenever I ask a question, but that's not my intent.

16 So, again, the question was, what do you
17 consider retaliation? What's your understanding of
18 what retaliation is?

19 A. Actions taken against someone for something
20 they may have said or done.

21 Q. In this particular context, what is it that you
22 may have said or done that you believe led Captain
23 Hitch to retaliate against you?

24 A. The fact that I made a complaint against



1 Sergeant Hyden.

2 Q. What about Captain Watson, is it your opinion
3 that he retaliated against you?

4 A. Yes.

5 Q. How did he do that?

6 A. Both captains called me into the office.
7 Obviously, they were -- they had just changed from one
8 captain was running the unit to another captain
9 running the unit. So being that they both -- in my
10 opinion they both made that decision.

11 Q. Is it your opinion that Captain Watson
12 retaliated against you for the same reasons you just
13 explained Captain Hitch retaliated against you, or is
14 it something different?

15 A. Repeat that, please.

16 Q. Do you believe that Captain Watson did
17 something different from Captain Hitch in terms of
18 retaliating against you, or is it the same claim that
19 you have against Captain Watson and Captain Hitch?

20 A. Generally it's the -- it's the same incident,
21 so it would be the same claim.

22 Q. Is there anything else, any other actions that
23 Captain Watson took that you are suing him for?

24 A. Not to my knowledge.



1 Q. So just so we are clear, my understanding from
2 what you said is that your claim against Captain
3 Watson is that he retaliated against you by
4 transferring you out of the mounted unit because you
5 filed a complaint against Sergeant Hyden, is that
6 correct?

7 A. Yes.

8 Q. What are your claims against Sergeant Hyden?

9 A. Retaliation as well as gender discrimination.

10 Q. Can you explain how Sergeant Hyden retaliated
11 against you?

12 A. Yes. I believe she was directly involved in
13 lobbying for my transfer because I made a complaint
14 against her.

15 Q. And can you explain how she discriminated
16 against you because of your gender?

17 A. Well, yes, I can. There were different
18 occasions where she -- gender discrimination. I'm not
19 sure if you're looking for examples or what you're
20 looking for exactly in that. So you're going to --

21 Q. I think we are going to go through and discuss
22 some of the allegations that are made in the
23 complaint.

24 A. Okay.



1 Q. Are the allegations that are contained the
2 examples that you are referring to?

3 A. Is that what you're asking me to comment about,
4 is the --

5 Q. No. Let me clarify the question.

6 A. Okay.

7 Q. In your complaint there are examples of let's
8 call them issue or incidents or things that occurred
9 between you and Sergeant Hyden over the years. Are
10 those the examples that you're talking about that led
11 you to believe that Sergeant Hyden is discriminating
12 against you because of your gender?

13 A. Yes.

14 Q. Are there any other examples besides what's
15 contained in the complaint or the amended complaint?

16 A. There could be. There's a lot of things.

17 Q. And did you --

18 A. I may not recall everything from that many
19 years ago. There are some things on paper, but there
20 are other things that I may recall at a later time.

21 Q. Nothing that you recall now?

22 A. If you have anything to show me that there may
23 be other things we are talking about, then, I may be
24 able to recall them.



1 Q. I'm asking you the question as to whether or
2 not you recall any other incidents besides what's
3 contained in the complaint right at this time?

4 A. I'd have to take time to think about that.

5 Q. How much time do you need to think about that?

6 A. I don't know.

7 MS. SANFRANCESCO: I think we need to take
8 a slight break so Corporal Hill can reflect as to
9 whether or not there are any other incidents besides
10 what's contained in the complaint that relate to his
11 gender discrimination claim against Sergeant Hyden.

12 MR. MARTIN: You've not laid a foundation
13 suggesting that, you know, any other items may be
14 recalled during this recess.

15 MS. SANFRANCESCO: I'm not saying I have
16 anything. I'm asking -- let's go off the record.

17 (Discussion off the record.)

18 BY MS. SANFRANCESCO:

19 Q. The question is, aside from what's contained in
20 the complaint, do you have any other incidence of
21 gender discrimination by Sergeant Hyden that you are
22 aware of at this time?

23 A. At this particular time, no. I could later,
24 but at this particular time, the answer is no.



1 Q. And have you had an opportunity to think about
2 all of what had transpired with Sergeant Hyden prior
3 to filing the complaint?

4 A. Yes.

5 Q. You have provided some documents to your
6 attorney relative to the matters that are contained in
7 the complaint. I just got some of those documents on
8 Friday. And those documents are some performance
9 evaluations, the EOC file, some time sheets. Prior to
10 that time, your attorneys have provided a number of
11 other documents, time sheets, tax forms, things of
12 that nature. Is it fair to say that you provided your
13 attorneys with documents relative to the matters
14 contained in the complaint?

15 A. Yes.

16 Q. Did you provide your attorneys with all the
17 documents that you have relative to the matters
18 contained in the complaint?

19 A. I believe so.

20 Q. Did you ever have any documents that existed at
21 one point but no longer exist?

22 A. No.

23 Q. Did you ever take any personal notes relative
24 to the matters contained in the complaint?



1 A. I believe I did.

2 Q. Do you have those notes still?

3 A. I believe -- I possibly do yes.

4 Q. Did you provide those notes to your attorneys?

5 A. Those, if I have them, no.

6 Q. Did your attorneys make a request for all
7 documents that you have in connection with this
8 matter?

9 A. I recall when I turned them over. I don't know
10 if they were asked for or I volunteered them. I did
11 turn over my paperwork.

12 Q. Is there a reason why you did not turn over
13 your personal notes regarding these matters?

14 A. My personal notes, they may be in there. It
15 was -- I'm not sure what's in there, everything in the
16 file. I'd have to look at it again.

17 Q. I'll represent to you that I did not see any of
18 your personal notes contained in either discovery. So
19 what I'm going to ask from you is, we are going to
20 continue this deposition on another date. Between
21 this time and that time, I'd like you to review all of
22 your records that you have at home, including your
23 personal notes and provide those to your attorney so
24 that we can review them and then discuss them at the



1 next deposition. Do you understand that request?

2 A. Yes.

3 Q. What was the subject matter of your personal
4 notes, if you remember?

5 A. Well, a lot of my notes were mental notes, so
6 just reflecting on the issues at hand, issues of the
7 problems I was having.

8 Q. When you say "mental notes," I'm not sure what
9 you mean.

10 A. These were things I heard, things I saw, things
11 of that nature.

12 Q. Were these notes that you took, you mean, while
13 you were at work or at home or what types of --

14 A. Well, obviously, when I take a mental note,
15 it's after something that just happened or occurred.

16 Q. Were these relative to the events with Sergeant
17 Hyden or Captains Hitch or Watson?

18 A. Yes.

19 Q. When did you start taking these notes?

20 A. I don't recall exactly when.

21 Q. Like I said, try and get those for the next
22 deposition, and we'll review them at that time.

23 A. Okay.

24 Q. Corporal Hill, I want to go over a few



1 background questions. Where do you live right now?

2 A. My exact address?

3 Q. Mm-hmm.

4 A. 670 Port Penn Road, Middletown, Delaware,
5 19709.

6 Q. How long have you lived there?

7 A. A little over a year.

8 Q. Who do you live there with?

9 A. Myself.

10 Q. And where did you live before that?

11 A. 51 Mailly Drive, Townsend, Delaware, 19734.

12 Q. How long did you live there?

13 A. Approximately six to seven years I think.

14 Q. And who did you live there with?

15 A. Myself.

16 Q. Either of these addresses, no roommates?

17 A. I had -- I've had a roommate that lived with me
18 years ago. It was a friend of mine. My one
19 girlfriend resided there back and forth between her
20 house and my house, but nobody claimed it as their
21 primary residence.

22 Q. Let me ask you this. What year would you say
23 your issues or problems with Sergeant Hyden began?

24 A. Maybe 2000 -- I'd have to look over the notes.



1 Are you asking me exactly when?

2 Q. Yes.

3 A. Okay.

4 MR. MARTIN: When you refer to notes,
5 you're now actually pointing to the amended complaint
6 before you, is that correct?

7 THE WITNESS: Yes.

8 MR. MARTIN: For the record.

9 A. Yes. Yes.

10 Approximately December 2004.

11 Q. Can you tell me, who were your roommates from,
12 let's say, January 2004 to the present, if any?

13 A. When you say roommate, you're going to have to
14 elaborate on that.

15 Q. Anyone who you shared your living residence
16 with.

17 A. I had a girlfriend who stayed there from time
18 to time.

19 Q. What was her name?

20 A. Katie -- Katherine Bowers.

21 Q. Where does she live now?

22 A. I believe her address is 5 Wisteria Drive in
23 Newark.

24 Q. When did she live there?



1 A. She didn't live there.

2 Q. She stayed there with you from time to time?

3 A. Yes.

4 Q. During the time period that we discussed,
5 January of '04 through the present?

6 A. Not that whole time, no.

7 Q. But in between that time?

8 A. There was a time frame in there, yes, where she
9 did stay at my house.

10 Q. Who else?

11 A. That was at 51 Mailly Drive.

12 Q. Okay.

13 A. This past spring, a fellow co-worker stayed at
14 my new residence for a month or so because he was
15 going through a separation with his wife.

16 Q. Who was that?

17 A. His name is Jason Mollohan.

18 Q. He works for the county police department?

19 A. Yes.

20 Q. And you said this was at your new residence?

21 A. Yes.

22 Q. At --

23 A. 670 Port Penn Road.

24 MR. MARTIN: Let's stop for a moment. Off



1 the record.

2 (Discussion off the record.)

3 BY MS. SANFRANCESCO:

4 Q. Other than those two individuals, have you
5 resided with anyone else from January of 2004 to the
6 present?

7 A. Not that I can recall.

8 Q. Did you ever reside with any other members of
9 the New Castle County Police Department?

10 A. During this time period?

11 Q. During any time period.

12 A. Yes. It was an Officer Scott Twigg stayed at
13 my residence at 51 Mailly Drive for another short time
14 period because he also was going through a separation.

15 Q. Do you recall when that was?

16 A. I wasn't living at the house at 51 Mailly Drive
17 that long at the time, so late nineties, early 2000
18 maybe.

19 Q. How about any other members of the New Castle
20 County Police Department?

21 A. Not that I can recall.

22 Q. How long have you worked for the county, either
23 in a police officer capacity or otherwise?

24 A. Between 15 and 16 years.



1 Q. Was it always as a police officer, or no?

2 A. No.

3 Q. What did you do for the county before you were
4 a police officer?

5 A. I worked for the county for a little under a
6 year as a motor equipment operator.

7 Q. Who was your supervisor at that time?

8 A. I believe his last name was Cheyney. I forget
9 his first name.

10 Q. Do you know the time period that this was?

11 A. I believe -- actually, let me back up. I
12 worked as motor equipment operator. I also worked as
13 a seasonal summer employee the summer before I was
14 hired by the county police.

15 Q. So that was the summer of --

16 A. That was the seasonal -- the seasonal time was
17 the summer of -- that would have been the summer of
18 '92.

19 Q. Was it the same supervisor at that time,
20 Cheyney or somebody?

21 A. No. It was for a month, and I don't recall his
22 name.

23 Q. Prior to becoming a New Castle County police
24 officer which I presume was sometime after 1992 and



1 aside from your seasonal experience at the county and
2 aside from your motor equipment operator experience at
3 the county, what did you do?

4 A. Prior to that I was a college student.

5 Q. Where did you go to college?

6 A. Delaware Tech.

7 Q. What years did you go there?

8 A. '90 -- maybe part of the -- '90, '91, and '92.

9 Q. Did you graduate from Delaware Tech?

10 A. Yes.

11 Q. What was your degree in?

12 A. Criminal justice.

13 Q. Did you hold any other jobs or other
14 employment, any military experience?

15 A. Yes.

16 Q. Can you tell me about that?

17 A. I was in the U.S. Army from 1986, 1987, and
18 '88.

19 Q. What did you do in the U.S. Army?

20 A. I worked in the aviation unit as a fuel
21 specialist, I believe is what the terminology was.

22 Q. What did you do as a fuel specialist?

23 A. Tested aviation fuels and also assisted with
24 tactical type situations that related to that and with



1 aircraft.

2 Q. What were your circumstances on leaving the
3 Army?

4 A. I joined for three years. When my time was up,
5 I left.

6 Q. How about after that, what did you do?

7 A. After that, was when I became a motor -- well,
8 for a short time, like I said, I was a motor equipment
9 operator with the county and at that time going to
10 school part time.

11 Q. Aside from what we've already discussed, have
12 you held any other jobs prior to becoming a New Castle
13 County police officer? And I don't mean like when you
14 were in high school working for Dairy Queen or
15 something. I mean any other jobs when you were like
16 21 or older.

17 A. I held some part-time jobs while I was in
18 college, yes.

19 Q. Can you tell me about those?

20 A. I worked at Foot Locker in the mall, Christiana
21 Mall, for a time period. I worked at Doris Market in
22 the deli section. When I got out of the military I
23 worked at Down Under Restaurant and Bar in Newark.

24 Q. How long did you work there for?



1 A. I'm not sure. A few months.

2 Q. Okay. What did you do there?

3 A. Bar backed and bar tended.

4 Q. Have you ever been married?

5 A. No.

6 Q. Do you have a significant other at this time?

7 A. No.

8 Q. Have any children?

9 A. No.

10 Q. From January 2004 until, let's say, the present
11 time, have you dated people?

12 A. Yes.

13 Q. How often would you say that you dated?

14 A. Well, like I said, I was dating Katie Bowers
15 for a portion of that time.

16 Q. Would you call that a significant relationship
17 as opposed to sort of dating someone casually?

18 A. I considered her my girlfriend.

19 Q. Did you have any other girlfriends from January
20 2004 to the present besides her?

21 MR. MARTIN: I'm going to object. Let's
22 go off the record here.

23 (Discussion off the record.)
24



1 BY MS. SANFRANCESCO:

2 Q. Did you ever date anybody named Elaine?

3 A. Named who?

4 Q. Elaine?

5 A. Elaine?

6 Q. Mm-hmm.

7 A. I don't know if I ever dated anybody in my life
8 named Elaine. I don't know.

9 Q. Did you ever date any other female police
10 officers?

11 A. Yes.

12 Q. What are their names?

13 A. You're referring to Eileen?

14 Q. Eileen?

15 A. Yes. I did date her.

16 Q. When did you date her?

17 A. I met her at the mounted competition in 2000 --
18 I believe it was the mounted competition in 2004.

19 Q. Do you remember where that was?

20 A. It was in Canada.

21 Q. What's Eileen's last name?

22 A. Skurkis.

23 Q. Can you spell that for record please?

24 A. S-k-u-r-k-i-s I believe.



1 Q. How long did you date her? How long were you
2 together?

3 A. Approximately three, four months.

4 Q. Aside from Eileen and Ms. Bowers, have you
5 dated anyone else for, let's say, three months or more
6 from 2004 to 2006?

7 A. Not that I recall.

8 Q. I'm sorry. You said you've been a New Castle
9 County police officer for how long?

10 A. I was hired in September of 1992.

11 Q. Where did you start out in the police
12 department?

13 A. I was hired approximately three to four months
14 prior to the academy starting, so I was an employee
15 working in the police station.

16 Q. Then what was your assignment?

17 A. General work around the building, helping out
18 with evidence and supply, records unit.

19 Q. Did you have a supervisor at that time?

20 A. I guess it would have been the drill
21 instructors that were going to have the academy coming
22 up in January.

23 Q. I'm talking about after you graduated from the
24 academy. What was your first assignment?



1 A. My first assignment was patrol.

2 Q. Where were you assigned? Did you have a
3 specific sector or --

4 A. My first assignment was in 2 zone, which is
5 the -- I guess you call it the west side of New Castle
6 County.

7 Q. How long were you there for?

8 A. I don't recall exactly.

9 Q. Do you recall who your supervisor was?

10 A. I believe my first service supervisor was
11 Sergeant Hernandez.

12 Q. What was your next assignment after that?

13 A. After patrol or after that particular area
14 where I worked?

15 Q. After that particular area where you worked.

16 A. I worked on the west side for a while. I don't
17 know exactly how long. I worked in different sectors
18 on patrol within the county, different time periods.

19 Q. How did you move from sector to sector?

20 A. Sometimes they reassign people.

21 Q. And what about other times?

22 A. I don't recall. I -- just different areas.

23 Sometimes you go from area to area. Sometimes they
24 need people in certain areas. Sometimes they don't.



1 Sometimes there's a need for manpower in a certain
2 area more than other areas and they move people
3 around.

4 Q. Why don't I make this easier. What I'm trying
5 to do is find what you've done since the time you
6 started in the police department until you got to the
7 mounted unit.

8 A. Okay.

9 Q. So if you could tell me where you've been, how
10 long you've been there, and who your supervisor was,
11 I'd like to have that information.

12 A. Every supervisor each step of the way to the
13 mounted unit, is that what you're asking?

14 Q. If you can remember.

15 A. I worked in patrol from the time I got out of
16 the academy until the time I got transferred into the
17 mounted unit. During that time period, I worked in,
18 to my knowledge, every sector or every district in New
19 Castle County. I had different supervisors. Usually
20 there's a different supervisor assigned to different
21 districts. So I worked for Sergeant Hernandez. I
22 believe -- I don't know if the order of supervisors is
23 exactly correct, but I remember working for Sergeant
24 Schofield, Sergeant Marbury. Well, at the time



1 Sergeant Schreiber, how Lieutenant Schreiber.

2 Q. How long did you work for Sergeant Schrieber
3 before he was a lieutenant?

4 A. I worked for him down in the Middletown
5 district on two different occasions on two different
6 squads. The exact time -- probably a year, a year or
7 more.

8 Q. Okay?

9 A. Sergeant Riddell.

10 Now, these are all prior to going into the
11 mounted unit?

12 Q. Yes.

13 A. I believe I worked for Sergeant Avena for a
14 while when I first -- when I come out of the academy
15 for a little while. There could be other sergeants I
16 worked for for short periods of time that I'm not
17 recalling at this time.

18 Q. What was your assignment immediately prior to
19 going into the mounted unit?

20 A. Patrol.

21 Q. How did you get into the mounted unit?

22 A. I requested it through a memorandum.

23 Q. Do you recall who that memo was sent to?

24 A. I believe it was -- when you request a unit, it



1 goes directly to the chief of police, I think, through
2 the chain of command.

3 Q. Prior to being transferred from the mounted
4 unit, had you ever been transferred before?

5 A. Within patrol?

6 Q. Had you ever been transferred before?

7 A. You're going to have to elaborate on transfer.

8 Q. What's your understanding of what a transfer
9 is?

10 A. When you're transferred from -- well, when
11 you're moved from place to place.

12 Q. So had you been moved from place to place,
13 then, prior to being on mounted patrol?

14 A. Yes.

15 Q. Are those the different areas that you just
16 described earlier or others that you haven't mentioned
17 to me yet?

18 A. I was transferred from different areas of
19 patrol. I also did a temporary assignment in human
20 resources after I injured my shoulder.

21 Q. So approximately how many times would you say
22 that you've been transferred prior to being
23 transferred out of the mounted patrol unit?

24 A. Out of the mounted unit?



1 Q. Yes.

2 A. I got transferred out of the mounted unit to
3 patrol.

4 Q. Prior to that transfer, approximately how many
5 times had you been transferred?

6 A. You asked me how many times have I been
7 transferred since patrol a minute ago. I'm not sure
8 if you're asking me now before or after.

9 Q. Let me just make sure that I'm clear.

10 A. Okay.

11 Q. The subject of your amended complaint is that
12 you were transferred out of the mounted unit to
13 patrol. Prior to the transfer that forms the basis of
14 your lawsuit, prior to that transfer, how many times
15 had you been transferred?

16 MR. MARTIN: For the record, you're
17 talking about transfers within patrol because he was
18 only in patrol from the academy up to the time of the
19 mounted unit.

20 MS. SANFRANCESCO: Yes. I'm talking about
21 any transfers whatsoever.

22 A. For purposes of within the department, when
23 you're moved from sector to sector, district to
24 district, people's common knowledge is that's not a



1 transfer.

2 Q. What is that?

3 A. You're being moved.

4 Q. What is a transfer?

5 A. Transfer to a different unit is usually
6 something that the officer requests. Most cases to go
7 to a specialized unit, from unit to unit.

8 Q. Transfers aren't just made at an officer's
9 request, is that correct?

10 A. I would say yes.

11 Q. Are you familiar with New Castle County and New
12 Castle County Police Department policy and procedure?

13 A. Some of it.

14 Q. Are you familiar with the procedures for
15 transfer?

16 A. I'd have to read over that.

17 Q. At this time, what is your understanding as to
18 why someone can get transferred?

19 A. Any reason they choose.

20 Q. Who chooses?

21 A. The department.

22 Q. So you're saying that your understanding is the
23 department can choose to transfer someone at any time?

24 A. That's my understanding.



1 Q. Can the department make transfers for any other
2 reasons?

3 A. Backing up to my other answer, I believe they
4 can transfer for any reason that they choose to.
5 Other than that, that pretty much says it all.

6 Q. Where are you working right now, what's your
7 assignment now?

8 A. I am working on C Squad in the Southern Patrol
9 District.

10 Q. And how long have you held that assignment?

11 A. Approximately since May of 2007. Yes. No.
12 May of 2006, I believe.

13 Q. Were you transferred to C Squad SPU from the
14 mounted unit or were you transferred to another place?

15 A. Another place.

16 Q. Where was that?

17 A. I was transferred from mounted to C Squad,
18 Central District.

19 Q. So were you in Central District from the time
20 of your transfer which would have been in March 2006
21 and then you transferred to C Squad, SPU, in May 2006?

22 A. That's fairly accurate, yes.

23 Q. How did you get from Central District to SPU?

24 A. I had told the lieutenant when I first came



1 out. They asked me where I wanted to work.

2 Q. Who asked you?

3 A. Lieutenant Merrill.

4 MR. MARTIN: Can we go off the record for
5 a second?

6 MS. SANFRANCESCO: Sure.

7 (Pause.)

8 BY MS. SANFRANCESCO:

9 Q. I think the question was, how did you get from
10 Central District to SPU, and you said Lieutenant
11 Merrill asked you where you wanted to work.

12 A. When I first came out of the mounted unit to
13 patrol, I was -- I recall speaking with Lieutenant
14 Merrill, and I believe he asked if I had a preference
15 in where I worked.

16 Q. How did you get to having this conversation
17 with him?

18 A. I don't recall if it was in person or on the
19 phone. I know I had a conversation with him. As I
20 was -- after I was transferred, I had a conversation
21 with him prior to me actually -- the date of actually
22 starting on C Squad.

23 Q. Was he in your chain of command?

24 A. He was the lieutenant in charge of C Squad.



1 Q. So he asked you where you wanted to work, and
2 what did you tell him?

3 A. I believe he asked me if I had a preference,
4 and I explained, if I had a preference, I'd like to
5 work in the Southern District.

6 Q. And why did you have a preference to work in
7 the Southern District?

8 A. I believe all the years I worked there the most
9 in patrol and I was familiar with the area.

10 Q. Do you also live in the Southern District?

11 A. Yes.

12 Q. Did he tell you, you know, you have to wait for
13 a few months before you get down there? How did you
14 eventually get, then, from Central District to SPU?

15 A. He had originally told me that it was -- there
16 was no openings there. I said okay.

17 Q. And then --

18 A. I believe he said, "I need you to work in the
19 Central District." That was the -- that was that.

20 Q. At some point did an opening become available
21 in SPU, Southern Patrol?

22 A. Yes.

23 Q. And was that in May of 2006?

24 A. Yes.



1 Q. And then you were transferred to Southern
2 Patrol?

3 A. Yes.

4 Q. And your supervisor there is who?

5 A. It was Sergeant McKenna.

6 Q. How long were you under Sergeant McKenna?

7 A. From that date, until approximately last
8 spring.

9 Q. When you say that date, are you referring to
10 May 2006?

11 A. Yes.

12 Q. And last spring, let's say, May or April or May
13 of 2007?

14 A. Yes.

15 Q. And who was your supervisor after that?

16 A. Sergeant McKenna was reassigned on a temporary
17 assignment at headquarters. Since that date we
18 haven't -- our squad has not had a direct sergeant as
19 a supervisor.

20 Q. Who would you say is the next available, then,
21 in your chain of command?

22 A. In Southern Patrol Unit it would be Lieutenant
23 Merrill.

24 Q. What are your duties down at Southern Patrol?



1 A. Patrol the areas below the canal from the --
2 basically from the canal, C&D Canal to Smyrna within
3 our jurisdiction.

4 Q. What are your hours?

5 A. Well, they change. Shift work. Day work I
6 work six in the morning till four in the afternoon.
7 Evening shift I work 3:00 p.m. to 1:00 a.m., and the
8 midnight shift, I'm currently working 9:00 p.m. to
9 5:00 a.m.

10 Q. Do you get shift differential?

11 A. Yes.

12 Q. When you were transferred to Central District,
13 generally were your duties to patrol the areas that
14 make up the Central District?

15 A. Yes.

16 Q. And what were your hours at that time?

17 A. I believe they were the same as below the --
18 where I'm working now, all three shifts.

19 Q. Shift differential again?

20 A. Yes.

21 Q. When you worked at the mounted patrol unit,
22 what were your hours?

23 A. Primarily the hours were 8:00 a.m. to 4:00 p.m.

24 Q. What days of the week?



1 A. Primarily, but not always, Monday through
2 Friday.

3 Q. Any shift differential there?

4 A. Yes. At times.

5 Q. Can you explain?

6 A. There were times when we worked evening shift,
7 and there were times when we worked some very few
8 weekends, some weekends.

9 Q. Would you say there's shift differential more
10 so in your current assignment and your assignment at
11 Central District than at mounted?

12 A. Yes.

13 Q. Aside from your family, who would have
14 knowledge of the matters contained in the complaint?
15 I guess maybe before you answer that, a better way to
16 ask this question is going to be taking a look at some
17 of the people that are listed in your Rule 26
18 disclosures.

19 MR. MARTIN: Off the record a moment.

20 (Recess taken.)

21 BY MS. SANFRANCESCO:

22 Q. Corporal Hill, I placed in front of you your
23 Rule 26 disclosures, and what these are, under
24 number 1, we asked for the "name and, if known, the



1 address and telephone number of each individual likely
2 to have discoverable information relevant to disputed
3 fact alleged with particularity in the pleadings."

4 So what I'm going to do is go through the
5 people that are listed in your initial disclosures and
6 in your amended disclosures and you can tell me who
7 they are and what they might know about the amended
8 complaint and the matters contained therein. Do you
9 have any questions about that before we start?

10 A. Not at this time.

11 Q. So the second person listed on the list is
12 Corporal Joseph Blythe?

13 We are in the first one, that page.

14 A. Okay.

15 Q. Why is he listed there?

16 A. He was the union representative who was present
17 during my first step grievance process.

18 Q. How about Phil Davis?

19 A. He is an officer that sometimes -- he used to
20 be a mounted officer. He sometimes -- he's an
21 auxiliary rider who sometimes rides as well as
22 participates in different functions with the mounted
23 unit.

24 Q. What can he tell us about the matters contained



1 in the complaint or amended complaint?

2 A. He was present at different times within the
3 mounted unit as well as at the 2005 mounted
4 competition.

5 Q. When he was present, did he witness certain
6 events or what relevance does he have to this
7 litigation aside from what you've just said?

8 A. It's my belief that he witnessed some of the
9 events at the competition, yes.

10 Q. What events were these?

11 A. He witnessed some of the comments made about me
12 to Sergeant Hyden. He also witnessed some of the
13 treatment I received after I completed the
14 competition.

15 Q. When you say he witnessed some of the comments
16 to Sergeant Hyden, who made the comments?

17 A. Comments that I'm referring to were made by
18 Corporal Hoff.

19 Q. Do you know what those comments were?

20 A. The comment that I -- about we were just --
21 there was a discussion about a portion of the horse
22 that was dirty and Corporal Davis had relayed to me,
23 that I took care of it. It was not a problem. But he
24 wanted to let me know that Corporal Hoff was -- exact



1 words I don't recall -- bad mouthing to me to Sergeant
2 Hyden to try to get me in trouble.

3 Q. For what?

4 A. For that portion of the horse that was -- that
5 had been overlooked by myself.

6 Q. Is this the horse Chief?

7 A. Yes.

8 Q. You said he witnessed something else. I'm
9 sorry. I missed --

10 A. He was at the competition. He participated in
11 the competition. He was present after I received my
12 awards and witnessed the reaction from the individuals
13 within my department.

14 Q. And what were those reactions and what
15 individuals made those reactions?

16 A. Everybody in the mounted unit, including the
17 individuals that travelled with us, were present when
18 I left the competition ring after receiving my awards.

19 Q. When you said receive your awards, did you
20 receive one award for each portion of the competition
21 or was this a specific award for a certain portion of
22 the competition?

23 A. Different awards for different portions of the
24 competition.



1 Q. So when you're talking about Phil Davis, was he
2 present for each?

3 A. Yes.

4 Q. And what happened?

5 A. Different reactions were from different people.
6 Most congratulated. Most were very excited about my
7 accomplishments. Some were not.

8 Q. What did he witness with respect to Sergeant
9 Hyden?

10 A. It is my belief that he witnessed that she was
11 displeased by my performance and said nothing to me.

12 Q. Did you ever discuss this with him?

13 A. I don't recall if I did or not.

14 Q. Did he witness any reaction, to your knowledge,
15 by Corporal Hoff?

16 A. It's my belief that he witnessed her actions as
17 well.

18 Q. Did you ever speak to him about that?

19 A. I don't recall if I spoke with him about it
20 after the fact.

21 Q. And would Corporal Davis be able to tell us
22 anything else regarding the matters contained in the
23 complaint?

24 A. Possibly.



1 Q. To your knowledge, at this time, anything other
2 than that the -- what competition was this? What
3 year?

4 A. I believe it was 2005. Yes.

5 Q. So aside from the events that you just
6 discussed at the 2005 mounted competition?

7 A. Corporal Davis has been in different functions
8 within the mounted unit, not just that competition.
9 So could he witness other things? Yes. To my
10 knowledge, has he? I don't know.

11 Q. Did you ever discuss anything else with him?
12 I'm not saying that you discussed this with him, but
13 have you ever discussed any of the events with him or
14 any of the matters that are contained in the
15 complaint.

16 A. I do recall discussing some issues leading up
17 to this. I believe it was a past -- I think it was
18 this past mounted competition or -- I don't know if it
19 was the one before that.

20 Q. When you say this past mounted, which year?

21 A. This would be '07.

22 Q. '07. Okay.

23 What were those issues?

24 A. He was working as a detective down at Southern



1 Patrol, so there's been times when our shifts might
2 cross. And I believe we were talking about the fact
3 he still had my saddle rack that I purchased for the
4 competition that was mine personally. And he had
5 asked to borrow it the year before to help shine the
6 saddle. And I could -- I just told him he could hold
7 on to it as long as he needed it. I just started
8 talking about the competition and just did -- he had
9 told me that -- that he was -- something of the nature
10 of Darla at the stables --

11 Q. Corporal Hoff?

12 A. Corporal Hoff. I'm sorry. Yes.

13 Was irritating him at some level. He
14 didn't go into explicit detail.

15 Q. Irritating him at the stables at the 2007
16 competition?

17 A. No. No. No.

18 Q. Oh.

19 A. Prior to going to the competition. Exactly
20 what his words were I don't remember. It wasn't a
21 very long conversation.

22 Q. Do you know why he would discuss Corporal Hoff
23 with you?

24 A. He had said at times before that she was -- let



1 me back up. Phil -- I'm sorry -- Corporal Davis is
2 one that's always been very helpful when it comes to
3 preparing for the uniform mounted judging portion of
4 the national competition. He's helped a lot of
5 officers prepare because he's done it many years
6 before. He helped myself as well. And he was -- if I
7 recall correctly, he was just -- he would try to do
8 something to assist the officers who were preparing,
9 and I believe he was saying that Darla kept
10 interrupting him and trying to change things he was
11 doing to try to help, something of that nature.

12 Q. When Corporal Davis participated or even helped
13 with the mounted unit at the national competition, was
14 he in the unit at the time?

15 Let me go back. Let's say for the
16 competition in 2005, was he in the mounted unit when
17 you attended that competition?

18 A. No.

19 Q. So he was just assisting the mounted unit in
20 preparing for the competition?

21 A. Well, past members of the mounted unit are
22 considered auxiliary riders, I guess you could call
23 them. So he did participate in that competition as
24 well as assisted.



1 Q. Was this something that Corporal Davis was
2 really interested in? I mean, he wanted to stay
3 involved with the mounted unit? Would you say that's
4 fair to say?

5 A. Yes. That's fair.

6 Q. And was he very energetic about his
7 participation?

8 A. Yes.

9 Q. What about Dominick Gregory, what can he tell
10 us?

11 A. He is a sergeant that works in the internal
12 affairs division. And he investigated a portion of my
13 complaint against Sergeant Hyden.

14 Q. And Colonel Rick Gregory?

15 A. He is the chief of police who runs the
16 department, who I submitted my memorandum to
17 regards -- regarding my complaint.

18 Q. Did you ever have a conversation with Colonel
19 Gregory about your complaint against Sergeant Hyden?

20 A. Yes, I did.

21 Q. When that was?

22 A. After my submittal of the memorandum, and I
23 believe it was -- I don't recall exactly when it was.

24 Q. But you believe it was after you submitted the



1 memorandum?

2 A. I believe. I don't recall exactly when the
3 meeting was.

4 Q. And memorandum that you are referring to, this
5 was from you to Colonel Gregory?

6 A. Yes.

7 Q. And what was the nature of that memorandum?

8 A. It was a memorandum, a complaint that I was
9 lodging against Sergeant Hyden in reference to -- I
10 believe the topics were truthfulness and conduct
11 towards a subordinate.

12 Q. When you had your discussion with Colonel
13 Gregory what did you discuss with him?

14 A. He was not directly -- he did not have, in my
15 opinion, knowledge of the whole complaint. And being
16 that he was a new chief, I requested a meeting with
17 him to explain myself and to let him know that I was
18 dedicated to this police department and did not want
19 him to get a misconception of what I was about.

20 Q. How long did that meeting last?

21 A. Maybe a half hour.

22 Q. What about Major Hedrick?

23 A. He was -- his name appeared on different
24 documents in regards to evaluations, and at one time,



1 during the investigation by Captain Hitch, he had told
2 me that he was going to be off. And if I had any
3 complaints or anything to add to the case, to contact
4 Major Hedrick, but -- I'm sorry. That's -- his name
5 appeared on many documents. That's what I'm saying.

6 Q. And you referenced evaluations?

7 A. Right.

8 Q. Did he sign off as, you know, acting chief or
9 was he a direct supervisor or -- in what capacity
10 would he have signed off on the evaluation?

11 A. As being a staff member within the chain of
12 command.

13 Q. And you said at one time during the
14 investigation with Hitch, he told you to contact him
15 for what reason?

16 A. I believe that Captain Hitch told me he was
17 going to be off. For what reason I don't recall. If
18 I had anything -- if I had any questions or anything
19 about it to contact the major.

20 Q. Oh, Captain Hitch told you to contact Major
21 Hedrick?

22 A. Right.

23 Q. Did you ever contact Major Hedrick about
24 anything with reference regarding Sergeant Hyden or



1 your complaints?

2 A. No.

3 Q. Major Hedrick still work for the county?

4 A. No. Well, not as a police officer. I don't
5 know if he does other than that or not.

6 Q. Captain Mark Hitch is listed next, and I
7 understand from the documents and from the allegations
8 in the complaint that he was responsible for
9 investigating the complaint that you had made against
10 Sergeant Hyden, is that correct?

11 A. Yes.

12 Q. Aside from that investigation, is there any
13 other reason that he would be listed here?

14 A. Possibly. Not off the top of my head -- I
15 can't think of anything.

16 Q. Number 9, Robert Larrimore, internal affairs,
17 why is he listed.

18 A. He was in the Internal Affairs Division. At
19 one point in time there was some -- at one point in
20 time during this investigation.

21 Q. Did he, to your knowledge, investigate any
22 portion of your complaint against Sergeant Hyden?

23 A. Not to my knowledge.

24 Q. Is he simply listed because he was in the unit

